

THURSDAY, JANUARY 23, 1992

SIXTH LEGISLATIVE DAY

FIRST EXTRAORDINARY SESSION

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Jim Thomas, David Lipscomb University, Nashville, Tennessee.

Representative Arriola led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

REPORT FROM STANDING COMMITTEE

EDUCATION

January 22, 1992

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means if amended: House Bill(s) No(s). 1.

DAVIDSON, Chair.

**Thursday, January 23, 1992 - Sixth Legislative Day - Ex. Sess.**

Pursuant to Rule No. 72, the Speaker referred with amendment(s): House Bill(s) No(s). 1 to the Finance, Ways and Means Committee.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
January 22, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, January 27, 1992**: House Joint Resolution(s) No(s). 2, 5, 7, 8, 9, 10, 11, 12, 13, 14 15 16 and 17; also, Senate Joint Resolution(s) No(s). 1, 2, 4, 5, 6 and 7.

PHILLIPS, Chair.

**MESSAGE FROM THE SENATE  
January 22, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 18; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
January 22, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 8 and 18; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 8 -- Memorials, Death -- Colonel Edward Honeycutt, Jr. by \*Greer.**

**Senate Joint Resolution No. 18 -- General Assembly, Adjournment, Recess -- Provides for recess beginning at close of business on January 23, 1992. by \*Darnell.**

**UNFINISHED BUSINESS**

**BILL RECALLED**

Rep. Liles moved that House Joint Resolution No. 4 be recalled from the Calendar and Rules Committee for immediate consideration, which motion prevailed.

**House Joint Resolution No. 4 -- Memorials, Heroism -- Detective Chuck Thomas, Bronze Star recipient.**

**Thursday, January 23, 1992 - Sixth Legislative Day - Ex. Sess.**

On motion of Rep. Liles, the resolution was adopted.

A motion to reconsider was tabled.

#### **INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**House Joint Resolution No. 19** -- Memorials, Heroism -- Mike Bailey, Tennessee Wildlife Resources Agency. by \*Rigsby.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 20** -- Memorials, Sports -- Bill Tipps, Amateur Athletic Union Volunteer Hall of Fame. by \*Curlee.

Referred by the Speaker to the Calendar and Rules Committee.

**\*House Joint Resolution No. 21** -- Constitutional Amendments -- Proposes amendment to abolish all taxes except income and sales taxes for one year, thereafter tax structure may be changed by referendum of people. Amends Art. II, Secs. 28, 29, 30 and Art. XI, Sec. 9. by \*Copeland, \*Head, \*Liles.

Referred by the Speaker to the State and Local Government Committee.

#### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

**Senate Joint Resolution No. 8** -- Memorials, Death -- Colonel Edward Honeycutt, Jr.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 18** -- General Assembly, Adjournment, Recess -- Provides for recess beginning at close of business on January 23, 1992.

Referred by the Speaker to the Calendar and Rules Committee.

#### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 16** -- Taxes -- Reallocates local government share of state-shared taxes to state general fund; earmarks such revenues for education purposes for K-12 and postsecondary education. Amends TCA, Titles 57, 60, 67. by \*Head.

**Thursday, January 23, 1992 - Sixth Legislative Day - Ex. Sess.**

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 17** -- Taxes -- Revises tax law. Amends TCA, Title 67. by \*Copeland.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 18** -- Taxes -- Revises tax law. Amends TCA, Title 67. by \*Copeland.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 19** -- Taxes -- Revises tax law. Amends TCA, Title 67. by \*Copeland.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 20** -- Taxes -- Revises tax law. Amends TCA, Title 67. by \*Copeland.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 21** -- Tennessee Foundation Program -- Provides for 70 percent state, 30 percent local match on education funding. Amends TCA, Title 49. by \*Holcomb.

Introduced; passed first consideration.

**House Bill No. 22** -- Education -- Enacts "Tennessee Classroom Reorganization Plan Act". Amends TCA, Title 49. by \*Joyce.

Introduced; passed first consideration.

**\*House Bill No. 23** -- Taxes, Privilege -- Increases tax on cigarettes from 13 cents to 20 cents per pack. Amends TCA, Title 67, Ch. 4. by \*Kernell.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 24** -- Taxes -- Enacts "Tax Equity Act"; levies tax on income; repeals Hall Income tax; reduces rates of sales and use tax. Amends TCA, Title 67. by \*Kernell.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 25** -- Taxes, Sales -- Repeals state sales and use tax on food except alcoholic beverages, tobacco and foods prepared and served for immediate consumption. Amends TCA, Title 67, Ch. 6. by \*Kernell.

**Thursday, January 23, 1992 - Sixth Legislative Day - Ex. Sess.**

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 26** -- Education -- Establishes 1990-1991 school year as base for maintenance of local financial support for education. Amends TCA 49-2-203, 49-3-314. by \*Hargrove.

Introduced; passed first consideration.

**\*House Bill No. 27** -- Taxes -- Revises certain taxes. Amends TCA, Title 67, Ch. 2; Title 68, Ch. 11. by \*Jackson.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 28** -- Taxes -- Revises certain taxes. Amends TCA, Title 67, Ch. 6; Title 68, Ch. 11. by \*Jackson.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 29** -- Children -- Repeals exemptions from employment requirements for minors enrolled in school. Repeals TCA 50-5-107. by \*Jackson.

Introduced; passed first consideration.

**\*House Bill No. 30** -- Children -- Authorizes children ages 16 and 17 enrolled in school to work until 8:00 p.m. on Sunday through Thursday; requires authorization of parent or guardian for student to work until 10:00 on such nights. Amends TCA 50-5-105. by \*Jackson.

Introduced; passed first consideration.

**House Bill No. 31** -- Taxes -- Enacts "Tax Reform Law of 1992". Amends TCA, Titles 2, 67. by \*Copeland, \*Head, \*Haun, \*Liles, \*McAfee.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 32** -- Taxes, Sales -- Repeals local sales tax; increases rate of state sales tax from 5 1/2 to 7 3/4 percent; earmarks all revenue from increase to education, grades K-12. Amends TCA, Title 67, Ch. 6. by \*Head.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

**House Bill No. 33** -- Gambling -- Enacts "Tennessee Video Gaming Machine Control and Taxation Act"; creates new commission to regulate video gaming machine industry; imposes system of fees and taxes; provides for distribution of such revenues. Amends TCA, Title 4; Title 39, Ch. 17, Pt. 5; Title 67. by \*Jones U, \*Turner L, \*Head, \*Moore.

**Thursday, January 23, 1992 - Sixth Legislative Day - Ex. Sess.**

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

#### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**House Bill No. 12** -- Education -- Referred by the Speaker to the Education Committee.

**House Bill No. 13** -- Taxes, Litigation -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 14** -- Taxes -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection(s) by Rep(s). Phillips.

**\*House Bill No. 15** -- Appropriations -- Referred by the Speaker to the Finance, Ways and Means Committee.

#### **MESSAGE FROM THE SENATE**

**January 23, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 33; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

#### **RULES SUSPENDED**

Rep. Chumney moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 33 out of order, which motion prevailed.

**Senate Joint Resolution No. 33** -- Memorials, Professional and Business Achievement -- Cast and crew of movie "Memphis". by \*Cohen, Lawson, Ford, Person, Kyle.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Chumney, the resolution was concurred in.

A motion to reconsider was tabled.

Thursday, January 23, 1992 - Sixth Legislative Day - Ex. Sess.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
January 23, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, January 27, 1992**: House Joint Resolution(s) No(s). 19 and 20; Senate Joint Resolution(s) No(s). 8.

PHILLIPS, Chair.

**ENGROSSED BILLS  
January 23, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 4; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, January 27, 1992.